

HOUSE BILL NO. 162  
INTRODUCED BY N. SCHWADERER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE MONTANA DIGITAL ACADEMY; ~~CLARIFYING THAT A PURPOSE OF THE ACADEMY IS TO PROVIDE COURSES FOR MEETING GRADUATION REQUIREMENTS~~ PROHIBITING A SCHOOL DISTRICT FROM CHARGING A FEE TO A STUDENT WHO ENROLLS IN A COURSE REQUIRED FOR THE SCHOOL'S GRADUATION REQUIREMENTS THROUGH THE ~~A MONTANA DIGITAL ACADEMY CLASS~~; PROVIDING FUNDING FOR THE ACADEMY THROUGH FEES FOR COURSES PAID BY SCHOOL DISTRICTS; ESTABLISHING COMPENSATION AMOUNTS FOR TEACHERS; ~~PROHIBITING LIMITS ON THE NUMBER OF STUDENTS ENROLLED OR COURSES TAKEN AT THE ACADEMY~~; AMENDING SECTION 20-7-1201, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 20-7-1201, MCA, is amended to read:

**"20-7-1201. Montana digital academy -- purposes -- governance.**

(1) There is a Montana digital academy at a unit of the Montana university system.

(2) The purposes of the Montana digital academy are to:

(a) make distance learning opportunities available to all school-age children through public school districts in the state of Montana;

(b) offer high-quality instructors who are licensed and endorsed in Montana and courses that are in compliance with all relevant education and distance learning rules, standards, and policies; AND and

(c) emphasize the core subject matters required under the accreditation standards, offer advanced courses for dual credit in collaboration with the Montana university system, and offer enrichment courses; and

~~(d) offer courses that allow a student to meet the minimum graduation requirements established in the accreditation standards and enact enrollment policies allowing a student to pursue the student's high school diploma through online distance learning.~~

(3) The Montana digital academy must be governed by a board with equal representation from:

(a) the commissioner of higher education or a designee;

(b) the superintendent of public instruction or a designee;

(c) a Montana-licensed and Montana-endorsed classroom teacher



SENATE EDUCATION  
COMMITTEE  
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appointed by the board of public education;

(d) a Montana-licensed school district administrator appointed by the board of public education;

(e) a trustee of a Montana school district appointed by the board of public education;

(f) the dean of the school of education of the hosting unit of the Montana university system or a designee as a nonvoting member; and

(g) the two officers provided for in subsection (5) as nonvoting members.

(4) The governing board shall elect a presiding officer and vice presiding officer to 2-year terms without limitation on the number of terms.

(5) The governing board shall hire a program director and a curriculum director who shall serve as chief executive officer and vice chief executive officer respectively on the governing board in a nonvoting capacity. The program director shall develop and, upon approval of the governing board, implement and publish policies and guidelines for the Montana digital academy pertaining to:

(a) course offerings;

(b) software and hardware selection;

(c) instructor selection;

(d) partnering school agreements;

(e) instructor training and curriculum development;

(f) course evaluation;

(g) grant opportunities; and

(h) other activities that are essential to the success of a statewide distance learning program."

**NEW SECTION. Section 2. Funding AND EXPENDITURE OF FEES**  
**- STATUTORY APPROPRIATION -- ~~teacher compensation~~.** (1) In addition to any amount appropriated to the Montana digital academy by the legislature, beginning July 1, 2016, school districts enrolling students at the digital academy shall pay **ANY SUPPLEMENTAL FEE ESTABLISHED BY** ~~to~~ the digital academy **TO THE EXTENT THAT SUCH FEE IS NEEDED TO PAY FOR THE PRORATED COSTS OF COURSE DELIVERY THAT EXCEED THE AMOUNT APPROPRIATED TO THE DIGITAL ACADEMY BY THE LEGISLATURE. SUCH FEE SHALL BE ESTABLISHED BY THE DIGITAL ACADEMY BY RULE AND MUST BE COMMENSURATE WITH THE COSTS OF OPERATING THE DIGITAL ACADEMY THAT EXCEED THE APPROPRIATION PROVIDED BY THE LEGISLATURE.**  
(2) **FUNDS UNDER THIS SECTION ARE STATUTORILY APPROPRIATED AS PROVIDED BY 17-7-502 AND THE DIGITAL ACADEMY MAY SPEND SUCH FUNDS FOR THE PURPOSES OF OPERATING THE DIGITAL ACADEMY.**



~~(a) for each original credit course a fee equal to the per-ANB entitlement for a student divided by 16 then multiplied by:~~

~~(i) 0.85 0.2 per student per course for a student's first three courses within a school fiscal year; and~~

~~(ii) 0.70 0.1 per student per course for a student's fourth course and any additional courses taken by the student within a school fiscal year;~~

~~(b) for each credit recovery course a fee equal to the per-ANB entitlement for a student divided by 16 then multiplied by 0.5 0.2 per student per course.~~

(2) A SCHOOL DISTRICT IS PROHIBITED FROM CHARGING A FEE TO A STUDENT WHO ENROLLS IN A CLASS PROVIDED BY THE MONTANA DIGITAL ACADEMY. THAT THE SCHOOL DISTRICT REQUIRES FOR THE SCHOOL DISTRICT'S GRADUATION REQUIREMENTS. A SCHOOL DISTRICT MAY, HOWEVER, CHARGE A FEE TO A STUDENT FOR ANY ADDITIONAL COSTS ASSOCIATED WITH GRANTING DUAL CREDIT FOR COMPLETION OF SUCH CLASS TO SUCH STUDENT.

~~(2)(3) For the purposes of the calculations in subsection (1), the per-ANB entitlement is the amount for either the 800th or 1,000th ANB for a particular student pursuant to 20-9-306(15).~~

~~(3)(4) The program director of the Montana digital academy shall implement policies for teacher compensation with minimum compensation amounts as follows:~~

~~(a) for original credit courses, \$500 per course plus \$150 \$120 for every student enrolled; and~~

~~(b) for credit recovery courses, \$3,000 per course to supervise no more than 100 students at any time.~~

**Section 3. Section 17-7-502, MCA, is amended to read:**

**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: [2-15-247](#); [2-17-105](#); [5-11-120](#); [5-11-407](#); [5-13-403](#); [7-4-](#)



[2502](#); [10-1-108](#); [10-1-1202](#); [10-1-1303](#); [10-2-603](#); [10-3-203](#); [10-3-310](#); [10-3-312](#); [10-3-314](#); [10-4-301](#); [15-1-121](#); [15-1-218](#); [15-35-108](#); [15-36-332](#); [15-37-117](#); [15-39-110](#); [15-65-121](#); [15-70-101](#); [15-70-369](#); [15-70-601](#); [16-11-509](#); [17-3-106](#); [17-3-112](#); [17-3-212](#); [17-3-222](#); [17-3-241](#); [17-6-101](#); [18-11-112](#); [19-3-319](#); [19-6-404](#); [19-6-410](#); [19-9-702](#); [19-13-604](#); [19-17-301](#); [19-18-512](#); [19-19-305](#); [19-19-506](#); [19-20-604](#); [19-20-607](#); [19-21-203](#); **NEW SECTION 2** [20-8-107](#); [20-9-534](#); [20-9-622](#); [20-26-1503](#); [22-1-327](#); [22-3-1004](#); [23-4-105](#); [23-5-306](#); [23-5-409](#); [23-5-612](#); [23-7-301](#); [23-7-402](#); [30-10-1004](#); [37-43-204](#); [37-51-501](#); [39-1-105](#); [39-71-503](#); [41-5-2011](#); [42-2-105](#); [44-4-1101](#); [44-12-206](#); [44-13-102](#); [53-1-109](#); [53-1-215](#); [53-2-208](#); [53-9-113](#); [53-24-108](#); [53-24-206](#); [60-11-115](#); [61-3-415](#); [69-3-870](#); [75-1-1101](#); [75-5-1108](#); [75-6-214](#); [75-11-313](#); [76-13-150](#); [76-13-416](#); [77-1-108](#); [77-2-362](#); [80-2-222](#); [80-4-416](#); [80-11-518](#); [81-1-112](#); [81-7-106](#); [81-10-103](#); [82-11-161](#); [85-20-1504](#); [85-20-1505](#); [87-1-603](#); [90-1-115](#); [90-1-205](#); [90-1-504](#); [90-3-1003](#); [90-6-331](#); and [90-9-306](#).

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with [17-2-101](#) through [17-2-107](#), as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. [19-20-604](#) [15-35-108](#) [19-6-410](#) [19-6-709](#) [19-6-709](#) [53-9-113](#) [90-6-331](#) [30-10-1004](#) [76-13-416](#) [81-1-112](#) [81-7-106](#) [17-3-112](#) [22-1-327](#) [15-247](#) [39-1-105](#) [53-1-215](#) [53-2-208](#) (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of terminates contingently upon the death of the last recipient eligible under (2) for the supplemental benefit provided by ; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of terminates June 30, 2015; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of and terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of terminates on occurrence of contingency; pursuant to secs. 3 and 5, Ch. 244, L. 2013, the inclusion of is effective July 1, 2015, and terminates July 1, 2017; and pursuant to sec. 10, Ch. 413, L. 2013, the inclusion of , , , and terminates June 30, 2015.)

~~NEW SECTION. Section 3. Enrollment.~~ The Montana digital academy may not limit the number of students it enrolls or the number of courses students are allowed to enroll in.

NEW SECTION. Section 3 4. Codification instruction. [Sections 2 and 3] are [SECTION 2] IS intended to be codified as an integral part of Title 20, chapter 7, part 12, and the provisions of Title 20, chapter 7, part 12, apply to [sections 2 and 3] [SECTION 2].

NEW SECTION. Section 4 5. Effective date. [This act] is effective July 1, 2015.